

**REMARKS**

Applicant hereby submits a request for continuing examination pursuant to 37 CFR 1.114 which includes a submission herewith and the fee set forth in 37 CFR 1.17(e). Applicant requests withdrawal of the finality of the office action and consideration of the submission.

**The Claims**

In Applicant's response after final rejection dated May 6, 2002, Claims 23-40 were cancelled without prejudice or disclaimer and Claims 41-58 were added. In the advisory action dated July 1, 2002, the Examiner declined to enter the new claims and alleged that a new search would be required because the claims "require the lytic bone disease to be cancer associated".

Applicant hereby cancels Claims 23-40 without prejudice or disclaimer and adds new claims 41-58. No new matter has been introduced and entry of the new claims is respectfully requested.

**Rejection under 35 U.S.C. 112**

The Examiner has indicated in the advisory action dated July 1, 2002 that the rejection of Claims 23-40 under 35 U.S.C. 112, second paragraph, would be withdrawn upon entry of the new claims. Accordingly, the rejection is moot.

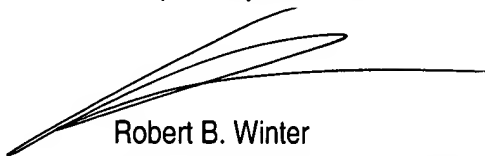
Claims 23-40 are rejected under 35 U.S.C. 112, first paragraph, as the specification allegedly does not enable the scope of OPG polypeptides encompassed by the claims. Applicant requests that the rejection be withdrawn for the reasons made of record.

Claims 23-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyle et al. (WO97/23614) in view of Conte et al. (Annals of Oncology 5:S41-S44 (1994)) or Simonet et al. (Cell 89, 309-319 (1997)). The Examiner argues that the combined references would have motivated one skilled in the art to combine OPG with a chemotherapeutic agent to treat bone loss. Applicant requests that the rejection be withdrawn for the reasons made of record.

**CONCLUSION**

Claims 41-58 are in condition for allowance and an early notice thereof is solicited.

Respectfully submitted,

A handwritten signature in black ink, consisting of several overlapping, sweeping strokes that form a cursive-like shape, representing the name Robert B. Winter.

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VERSION WITH CHANGES

At page 45:

Plasmids encoding OPG[1-194]-Fc, OPG[1-201]-Fc, OPG[1-194]-Fc $\Delta$ C, OPG[1-201]-Fc $\Delta$ C, OPG[1-194]-FcG<sub>10</sub>, and metFc $\Delta$ C-OPG[22-194] for use in producing the corresponding OPG fusion polypeptides are constructed generally as described in WO97/23614 and in copending U.S. Serial No. 09/389,545, filed September 3, 1999, both of which are incorporated by reference. The polypeptide sequences are shown in Figures 3-8, respectively.